

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

POOL SPECIALISTS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. No. 5:24-cv-244-FL
)	
RYOBI, LTD.; RYOBI)	
TECHNOLOGIES, INC.;)	
RYOBI HOLDINGS (USA), INC.;)	
ONE WORLD TECHNOLOGIES, INC.;)	
TECHTRONIC INDUSTRIES)	
COMPANY LIMITED;)	
TECHTRONIC INDUSTRIES)	
NORTH AMERICA, INC.;)	
TTI CONSUMER POWER TOOLS,)	
INC.; HOME DEPOT U.S.A., INC.;)	
THE HOME DEPOT, INC.; and)	
HOME DEPOT MANAGEMENT)	
COMPANY, LLC)	
)	
Defendants.)	

**CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE AS TO
DEFENDANTS RYOBI, LTD. AND RYOBI HOLDINGS (USA), INC. ONLY**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Pool Specialists, Inc., and Defendant Ryobi, Ltd. and Defendant Ryobi Holdings (USA), Inc. hereby stipulate and agree, and the Court Orders as follows:

1. The subject action arises out of a fire that occurred on or about August 29, 2022. Plaintiff alleges that the fire was caused by a Ryobi-brand lithium-ion leaf blower, battery pack, and/or battery charger.

2. Plaintiff's Complaint asserts claims against various defendants, including Ryobi, Ltd. and Ryobi Holdings (USA), Inc.. On January 15, 2025, Defendants Ryobi, Ltd. and Ryobi Holdings (USA), Inc. filed a Motion to Dismiss for lack of personal

jurisdiction. (Doc. 41).

3. Ryobi Holdings (USA), Inc., attached the Declaration of Kristina Wasierski-Voss—the Director of Corporate Affairs for Ryobi Die Casting (USA), Inc. to the Motion to Dismiss for lack of personal jurisdiction. Ms. Wasierski-Voss's Declaration is attached hereto as **Exhibit 1**.

4. Ryobi, Ltd. attached the Declaration of Kazuhiko Fujii – Director and Corporate Officer for Ryobi, Ltd. to the Motion to Dismiss for lack of personal jurisdiction. Mr. Fujii's Declaration is attached hereto as **Exhibit 2**.

5. Based on the Declarations of Ms. Wasierski-Voss and Mr. Fujii, the Parties agree, and the Court finds and concludes, that dismissal of Defendants Ryobi, Ltd. and Ryobi Holdings (USA), Inc. without prejudice is appropriate.

6. All other Defendants consent to the dismissal of Defendants Ryobi, Ltd. and Ryobi Holdings (USA), Inc.

7. No other Defendants in this case are dismissed by this Order, and the case shall proceed against all remaining Defendants in the case.

8. Nothing in this Order shall be construed to constitute a notice of dismissal without prejudice by the Plaintiff for the purposes of Rule 41(a)(1) of the Federal Rules of Civil Procedure.

SO ORDERED, this the 17th day of March, 2025.



LOUISE W. FLANAGAN
U.S. District Court Judge

WE CONSENT:

/s/ Douglas B. Abrams 02/03/2025
Douglas B. Abrams, Esq. DATE
ABRAMS & ABRAMS, P.A.
1526 Glenwood Avenue
Raleigh, North Carolina 27608
(919) 755-9166
dabrams@abramslawfirm.com

Attorney for Plaintiff

/s/ Kirk G. Warner February 4, 2025
Kirk G. Warner DATE
N.C. State Bar No. 16238
SMITH ANDERSON
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601
(919) 821-1220
kwarnersmithlaw.com

*Attorney for Defendant Ryobi, Ltd.
and Ryobi Holdings (USA), Inc.*

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

POOL SPECIALISTS, INC.,

Plaintiff,

v.

Civil Action No. 5:24-cv-244-FL

**RYOBI, LTD.; RYOBI
TECHNOLOGIES, INC.;
RYOBI HOLDINGS (USA), INC.;
ONE WORLD TECHNOLOGIES, INC.;
TECHTRONIC INDUSTRIES
COMPANY LIMITED;
TECHTRONIC INDUSTRIES
NORTH AMERICA, INC.;
TTI CONSUMER POWER TOOLS,
INC.; HOME DEPOT U.S.A., INC.;
THE HOME DEPOT, INC.; and
HOME DEPOT MANAGEMENT
COMPANY, LLC**

Defendants.

DECLARATION OF Kristina Wasierski-Voss

I, Kristina Wasierski-Voss, under penalty of perjury, declare pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Kristina Wasierski-Voss. I am over the age of twenty-one years and am competent to make this affidavit. I currently serve as Director of General Corporate Affairs for Ryobi Die Casting (USA), Inc. ("Ryobi Die Casting"). The facts stated in this declaration are based on my personal knowledge and are true and correct.

2. In or around 2021, Ryobi Holdings (USA) Inc. ("Ryobi Holdings") merged into Ryobi Die Casting. Ryobi Holdings no longer exists under the name Ryobi Holdings (USA) Inc.

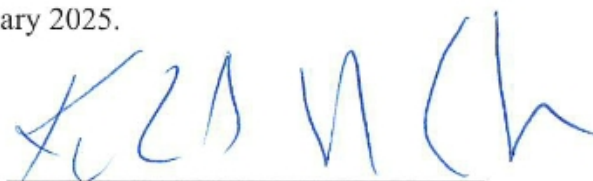
3. Ryobi Die Casting is a foreign corporation with its principal place of business in Indiana and is a wholly-owned subsidiary of Ryobi Ltd. Ryobi Die Casting has never been affiliated with or owned, operated, managed, controlled or employed by TTI Consumer Power Tools, Inc., ("TTI-CPT") or any of its affiliated entities.

4. Ryobi Die Casting is in the business of developing and manufacturing aluminum castings for the automotive industry. Ryobi Die Casting has never been involved in the design, manufacture, or distribution of any Ryobi-brand lithium-ion leaf blowers, battery packs, or battery chargers. Ryobi Die Casting did not design, manufacture, or distribute the Ryobi-brand leaf blower, battery pack, and/or battery charger at issue in this lawsuit.

5. Ryobi Die Casting does not manage, control, direct, or participate in TTI-CPT's design, manufacture, or distribution of Ryobi-brand lithium-ion battery packs, battery chargers, or leaf blowers. Ryobi Die Casting does not manage, control, or direct the daily operations of TTI-CPT or any of its corporate affiliates.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 10th day of January 2025.



Kristina Wasierski-Voss

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

POOL SPECIALISTS, INC.,

Plaintiff,

v.

Civil Action No. No. 5:24-cv-244-FL

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TECHNOLOGIES, INC.;
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TECHTRONIC INDUSTRIES
NORTH AMERICA, INC.;
TTI CONSUMER POWER TOOLS,
INC.; HOME DEPOT U.S.A., INC.;
THE HOME DEPOT, INC.; and
HOME DEPOT MANAGEMENT
COMPANY, LLC**

Defendants.

DECLARATION OF KAZUHIKO FUJII

I, KAZUHIKO FUJII, under penalty of perjury, declare pursuant to 28 U.S.C. § 1746, as follows:

1. My name is KAZUHIKO FUJII. I am over twenty-one years of age and am competent to make this affidavit. I am currently the Director and Corporate Officer for Ryobi Ltd.
2. Ryobi Ltd. is a Japanese corporation with its principal place of business in Hiroshima, Japan.
3. Ryobi Ltd. has never been responsible for the design, manufacture, distribution, or sale of Ryobi-brand lithium-ion leaf blowers, battery packs, or battery chargers distributed in the

United States. Ryobi Ltd. did not design, manufacture, or distribute the Ryobi-brand leaf blower, battery pack, and/or battery charger at issue in this lawsuit.

4. In or around 2000, TTI Consumer Power Tools, Inc., (f/k/a One World Technologies, Inc.) ("TTI-CPT") acquired the rights to use the "Ryobi" brand pursuant to a license granted by Ryobi Ltd. Ryobi Ltd. does not manage, control, or direct TTI-CPT's daily activities, nor does Ryobi Ltd. manage, control, or direct the daily activities of any of TTI-CPT's corporate affiliates. Ryobi Ltd. has never been affiliated with or owned, operated, managed, controlled or employed by TTI-CPT or any of its affiliated entities.

5. Ryobi Ltd. does not lease or own any real or personal property in North Carolina. Ryobi Ltd. does not have a North Carolina telephone number, mailing address, bank account, or taxpayer identification number, and it does not hold or maintain any North Carolina licenses. Ryobi Ltd. is not licensed or registered to conduct business in North Carolina.

6. Ryobi Ltd. does not regularly conduct any business in North Carolina and does not maintain a place of business in North Carolina. Further, Ryobi Ltd. does not have and has never had any employees, servants, or agents in North Carolina.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of January 2025.

Kazuhiko Fujita